

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONALD N. LYNN, JR.,

Petitioner,

v.

MARC DANN, Warden,

Respondent.

**CASE NO. 207-cv-1157
JUDGE HOLSCHUH
MAGISTRATE JUDGE KEMP**

OPINION AND ORDER

On November 16, 2007, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed without prejudice as unexhausted unless petitioner deleted his unexhausted claim from the petition. Although the parties explicitly were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action hereby is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: 12-19-07


JOHN D. HOLSCHUH
United States District Judge